United Nations S/AC.37/2004/(1455)/16

Security Council

Distr.: General
26 March 2004
English
Original: Spanish

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 15 March 2004 from the Permanent Mission of Honduras to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Honduras to the United Nations presents its compliments to the Chairman of the Committee and, as requested, has the honour to transmit herewith the report of Honduras, prepared by the Secretary of State for Security, pursuant to paragraph 6 of Security Council resolution 1455 (2003) (see annex).

04-29907 (E) 260404 280404

Annex to the note verbale dated 15 March 2004 from the Permanent Mission of Honduras to the United Nations addressed to the Chairman of the Committee*

Report prepared by the Secretary of State for Security pursuant to paragraph 6 of Security Council resolution 1455 (2003)

Replies 1

1. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

Immigration controls have been put in place at ports and airports, financial alerts are used in the national banking system and an early-warning police databank has been established.

2. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

Further information is needed about the individuals included in the list. There is little more than the name, no photographs and no formal channel to request more information. The system should include a mechanism for prompt and efficient technical information exchange, and an official organization should be established.

3. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

No, but an investigation is being carried out in that regard.

4. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or Al-Qaida that have been included in the list.

There is no information available at present.

5. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list?

None to date

6. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee.

Two Jordanian nationals carrying false Honduran papers, Yoanis Yassin Saied and Bassen Waarie, were arrested in Honduras on 15 March 2002.

7. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country.

* The enclosed documentation may be consulted in the Secretariat.

Through the publication of national legislation against unlawful association and terrorist activities Honduran citizens are informed of the risks involved in criminal involvement of that kind. In addition, campaigns are being undertaken to promote social cooperation in reporting unlawful activity of that nature.

Replies II

Please describe briefly:

1. The domestic legal basis for implementing the asset freeze required by the above resolutions.

Decree No. 45-2002, Law against the offence of money-laundering, aims to suppress and punish the offence of money-laundering, which it treats as a form of organized crime.

2. Any impediments under your domestic law in this context and steps taken to address them.

None.

3. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

There is a special public prosecutor's office to combat organized crime and to initiate proceedings against persons arrested on suspicion of terrorist connections; the investigation is carried out by the Directorate-General of Special Investigation Services, which according to article 35 of the National Police Organization Act is in charge of investigating international police cases. Article 36 of the Act provides for the investigation of trafficking in persons and related criminal activities.

4. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to Osama bin Laden.

The responsibility of banks is linked to the obligations of the country under international treaties and agreements to combat illicit trafficking in money to be used in criminal and terrorist activities. These treaties and agreements include: the Vienna Convention of 1988 and the Basel Statement of Principles; the Forty Recommendations of the Financial Action Task Force and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 1990); the model regulations adopted by the Inter-American Drug Abuse Control Commission and the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (1994); the Buenos Aires Declaration and the Revised Forty Recommendations against Money-Laundering of the South American Financial Action Task Force (1996); the Central American Convention for the Prevention and Suppression of Money-Laundering and Related Crimes (1997); the United Nations International Convention for the Suppression of the Financing of Terrorism and the United Nations Convention against Transnational Organized Crime (2000); the United Nations Security Council resolution and the 8 Special Recommendations on Terrorist Financing of the Financial Action Task Force.

At the national level, the legal framework includes decree 202-97, resolution 356 17-08-99, decree 45-2002 and resolution 869-20-02.

5. Resolution 1455 (2003) calls on Member States to provide a "comprehensive summary of frozen assets of listed individuals and entities".

None.

6. Identification(s) of the person or entities whose assets have been frozen.

Nobody listed.

7. A description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets).

None.

8. The value of the assets frozen.

None.

9. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen in accordance with the resolution. Please include assets frozen in accordance with resolution 1267 (1999).

None.

10. The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee.

The National Banking and Insurance Commission is the governmental body that plans and implements policies on financial controls. It receives and interprets international commitments with a view to producing national resolutions aimed at regulating financial transactions.

11. Required bank-reporting procedures, if any, including the use of reports on specific transactions.

The national banking system is committed to declaring bank accounts that show significant movements and exceed the levels of current accounts and to declaring, for tax purposes, clients' portfolios in which the working capital might seem conspicuous. The financial movements of the national bank are audited by the commission in order to corroborate the reports and identify undeclared accounts.

12. Requirements, if any, placed on financial institutions other than banks to provide suspicious transaction reports, and how such reports are reviewed and evaluated.

The banking and insurance commission is responsible for this evaluation process.

13. Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.

As well as legislation to regulate the mining industry, there are laws to control contraband and tax evasion, and there are regulations on buying and selling transactions of securities and other items.

14. Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.

A series of regulations on the sending and receiving of remittances has been established and any transfer that exceeds the set limit must be reported to the banking and insurance commission. With regard to charities, in Honduras there are non-governmental organizations that receive millions of dollars to support government programmes on health, nutrition, democracy, governance, the environment, ecology and human development. These organizations receive little regulation. "Hawala" is a new system, and as its characteristics are not fully known more precise information should be provided.

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

A travel ban is enforced only through a judicial order against a person accused of a crime, in which case immigration controls are established at ports and airports to prevent that person leaving.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The list of individuals linked to international terrorism and related activities is kept at border posts with respective immigration alerts.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

It is transmitted immediately after being received, although an encryption mechanism is needed for transmission to the external network. Internally, national information databases and affiliated agencies in the country are consulted.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory?

Nobody listed.

19. Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

The Ministry of Foreign Affairs distributes alerts to the consular services through diplomatic channels; national agencies operate only within the domestic territory.

20. What measures do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction?

Honduras has legislation regulating the acquisition of arms. A series of personal requirements is requested in the case of Honduran nationals. Commercial weapons only are sold, as the new penal code prohibits individuals from owning and possessing automatic weapons. The import and sale of commercial weapons is centralized in a State institution.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

The offence of illegal arms trafficking as defined in our legislation is one of the measures aimed at curbing any movement of arms for the benefit of illicit, international terrorist groups and other activities related to organized crime.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Weaponry is not sold to the public, except for limited sales to foreigners.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Neither weapons nor ammunition are produced in Honduras.

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

It would be important to establish a mechanism to allow for the exchange of experience.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

There are no instances.

26. Please include any additional information you believe pertinent.